

## **REMARKS**

### **Amendment to the Specification**

Applicant has amended the Specification to provide a description of the priority application. No new matter has been added.

### **Amendments to the Claims**

Claims 1-4 and 11-26 are pending in the present application, with Claims 1, 12, and 20 being independent. Applicant has amended Claims 1-4 herein. Applicant also has added new Claims 11-26 to provide an additional scope of protection commensurate with the original disclosure. Additionally, Applicant has canceled Claims 5-10 herein without prejudice to or disclaimer of the subject matter recited therein. No new matter has been added.

### **Claim Rejections Under 35 U.S.C. § 103**

In the Office Action dated November 29, 2004, the Examiner rejected Claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,351,738 to Clark (hereinafter Clark) in view of U.S. Patent No. 5,970,475 to Barnes (hereinafter Barnes). Further, the Examiner rejected Claims 2-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Clark in view of Barnes and U.S. Patent No. 6,758,661 to Mandler (hereinafter Mandler). Applicant respectfully traverses those rejections.

#### **Independent Claim 1**

The rejection of Claim 1 is respectfully traversed. Applicant submits that none of the documents cited by the Examiner describe, teach, or suggest at least the features of receiving, at the virtual marketplace, a request for information regarding a requested commercial real estate service available from the service providers, wherein the request comprises request criteria defining the requested service, and publishing the requested information at the virtual marketplace in response to receiving the request and based on the request criteria, wherein the

information is published as one of textual information regarding the commercial real estate service providers and links to web sites of the commercial real estate service providers.

**A. The Combination of Clark and Barnes as Applied to Independent Claim 1**

**The Clark Reference**

The Clark reference describes a collective business system for providing business support mechanisms from suppliers to independent companies, tradespersons, or professionals in a common field, as shown in Figure 4 of the reference. Clark enables the independent business entities in the common field to compete effectively with large nationally and internationally based competitors. Clark uses an e-commerce system having a website accessible by the business entities. An independent business entity can select a particular supplier to which the business entity can issue a purchase request. When the independent business entity enters a purchase request to the selected supplier, the e-commerce system forwards the request to the selected supplier, and the selected supplier sends the requested goods or services directly to the business entity.

Accordingly, Applicant submits that Clark does not teach or suggest receiving, at the virtual marketplace, a request for information regarding a requested commercial real estate service available from the service providers, wherein the request comprises request criteria defining the requested commercial real estate service. Clark merely teaches an e-commerce system that provides a website accessible by the business entities and that provides information about suppliers. Those business entities can choose a selected supplier. However, Clark does not teach or suggest receiving a request that comprises criteria defining the requested commercial real estate services, as presently recited in independent Claim 1.

Furthermore, Clark does not teach or suggest publishing the requested information at the virtual marketplace in response to receiving the request for information and based on the request criteria, wherein the information is published as one of textual information regarding the commercial real estate service providers and links to web sites of the commercial real estate service providers. As previously mentioned, Clark does not teach receiving a request for information. Clark allows a business entity to enter a *purchase* request at the e-commerce

system, which forwards that purchase request to a supplier. In response to that purchase request, the supplier processes the order and bypasses the HBE to provide the goods and services directly to the business entity.

### **The Barnes Reference**

In the Office Action, the Examiner stated that the Clark reference does not teach that the requested information is published as one of textual information or links to commercial real estate service provider web sites. For that feature, the Examiner relied on the Barnes Reference. Barnes relates to an electronic commerce system that enables corporate purchasers and suppliers to electronically transact for the purchase and supply of goods and services. Barnes uses software to enable purchasers to log into a supplier server to purchase products and services. The supplier server of Barnes includes a catalog containing information regarding all of the suppliers' available goods.

The Examiner relied on Barnes to show electronically providing requested information at the virtual marketplace wherein the requested information is published as one of textual information. However, Applicant submits that Barnes does not teach publishing the requested information at the virtual marketplace in response to receiving the request and based on the request criteria, as presently recited in independent Claim 1. In Barnes, the software enables purchasers to log into a supplier server to view products and services offered by a supplier. The "communication link" of Barnes cited by the Examiner is provided "for viewing and downloading by a user, information from *the supplier's catalog to the user's terminal*." The link of Barnes is merely for connecting the purchaser to the supplier's catalog in order to view the products and services offered by the supplier and is not provided in response to a request for information regarding a requested service and based on request criteria defining the requested commercial real estate service, as presently recited in independent Claim 1.

### **Summary of the Analysis for Independent Claim 1**

In light of the differences between amended independent Claim 1 and the Clark and Barnes references, Applicant submits that Clark and Barnes, either alone or in combination, fail

to teach or suggest receiving, at the virtual marketplace, a request for information regarding a requested commercial real estate service available from the service providers, wherein the request comprises request criteria defining the requested commercial real estate service. Furthermore, Clark and Barnes, either alone or in combination, fail to teach or suggest publishing the requested information at the virtual marketplace in response to receiving the request and based on the request criteria, wherein the information is published as one of textual information regarding the commercial real estate service providers and links to web sites of the commercial real estate service providers. Applicant further submits that none of the other documents cited by the Examiner teach or suggest those features. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1.

#### **B. The Combination of Clark, Barnes, and Mandler as Applied to Claim 3**

The Examiner relied on the Mandler reference, in addition to the combination of Clark and Barnes, to teach the features recited in Claim 3, namely matching users in need of commercial real estate services or products with vendors of the needed commercial real estate services or products based on criteria provided by users and service providers. Claim 3 recites matching the request criteria with the service provider criteria of one of the service providers to identify a specific service provider that can provide the requested service, wherein the information published in the publishing step comprises information corresponding to the specific service provider. Applicant submits that none of the cited documents, either alone or in combination, teach or suggest those features of Claim 3.

#### **The Mandler Reference**

Mandler teaches a system and method for enabling on-line transaction services among sellers and buyers. Buyers submit requests for quotes for goods and services to the system and the system makes a dynamic real-time risk classification of each buyer utilizing an on-line repository of credit data. If a buyer's risk classification is acceptable, the system forwards the buyer's request for quotation to sellers, who respond by submitting quotes to the buyer. The buyer is then able to select a seller from which to order the goods or services. Thus, Mandler

merely allows a buyer to issue a request for quotation to the clearinghouse for goods or services from the sellers without specifying any criteria to determine sellers from which to obtain services. Mandler further discloses determining the buyer's credit score before allowing the buyer to request a quote from a seller. Thus, Applicant submits that Mandler fails to teach or suggest matching the request criteria with the service provider criteria to identify a specific service provider that can provide the requested commercial real estate service. Applicant further submits that none of the documents cited by the Examiner, either alone or in combination, teach or suggest at least those features presently recited in Claim 3 of the pending application.

#### Independent Claims 12 and 20

New independent Claims 12 and 20 recite features similar to the features of Claims 1 and 3 discussed above. Accordingly, Applicant submits that independent Claims 12 and 20 also are patentable over the documents of record. Additionally, Claim 20 further defines the content of the request criteria upon which the matching of requested services and service providers is based, thereby further distinguishing the claimed invention from the cited documents.

#### Summary

For the reasons stated above, Applicant submits that independent Claims 1, 12, and 20 are patentable over the documents cited by the Examiner. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be patentable for similar reasons. The dependent claims also recite additional features further defining the present invention over the cited documents, and Applicant submits that the cited documents do not teach or suggest integrating those features into the presently claimed invention. For example, dependent Claims 13-19 further define the due diligence services recited in independent Claim 12. Additionally, dependent Claims 21-26 further define the request criteria recited in independent Claim 20 upon which the requested service is matched to a service provider. Accordingly, Applicant requests separate and individual consideration of each dependent claim.

**Information Disclosure Statement ("IDS")**

The Examiner did not return initialed and signed copies of Applicant's IDSs submitted on December 20, 2001; October 18, 2002; October 15, 2003; and October 20, 2003. Applicant timely filed those information disclosure statements prior to the first Office Action discussed herein. Accordingly, Applicant requests that the Examiner consider each of the documents cited in the IDSs and return an executed copy of each IDS, indicating the Examiner's consideration of those documents. For the Examiner's convenience, Applicant has enclosed herewith a copy of each IDS. Applicant also requests consideration of the supplemental IDS filed concurrently herewith.

**CONCLUSION**

Applicant submits the foregoing as a full and complete response to the Office Action dated November 29, 2004. Applicant submits that this Amendment and Response places the application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's undersigned attorney at 404.572.2809.

Respectfully submitted,



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